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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 4539 OF 1996

Petitioner : P.D. Sonwani, Son of I.D. Sonwani, aged 44 years, Occupation Pharmacist, in N.T.P.C. Hospital, Korba, Resident of Quarter No. B-587, Block-4, Yamuna Vihar, Post Office Jamnipali, Korba, District Bilaspur (C.G.).

Versus

Respondents :1. N.T.P.C. Korba, through its General Manager, Post Office Pragati Nagar, Korba, District Bilaspur (C.G.).

2. Chief Personal Manager (Personnel Department) N.T.P.C., Korba, Pragati Nagar, Korba, District Bilaspur (C.G.).

3. N.T.P.C. Farakka, through its General Manager at Farakka (West Bengal).

4. Shailendra Mukharjee, Son of not known working as Executive Class-I, at N.T.P.C. Hospital, Farakka (West Bengal).

WITH

WRIT PETITION No. 4815 OF 1996

Petitioner : C.H. Masih S/o Shri M. Masih, aged about 38 years, occupation Pharmacist in N.T.P.C. Hospital, Korba, resident of B/1374, Post

Office Jamnapali, Krishna Vihar, N.T.P.C. Korba, District Bilaspur (C.G.).

Versus

Respondents :1. N.T.P.C. Korba, through its General Manager, Post Office Pragati Nagar, Korba, District Bilaspur (C.G.).

2. Chief Personal Manager (Personnel Department) N.T.P.C., Korba, Pragati Nagar, Korba, District Bilaspur (C.G.).

3. N.T.P.C. Farakka, through its General Manager at Farakka (West Bengal).

4. Shailendra Mukharjee, Son of not known working as Executive Class-I, at N.T.P.C. Hospital, Farakka (West Bengal).

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WRIT PETITION No. 1090 OF 1998

Petitioner : Mahendra Kumar Sharma S/o Shri Daroga Sharma, aged about 41 years, occupation Pharmacist in N.T.P.C. Hospital, Korba, resident of B-1422, Krishna Vihar, N.T.P.C. Township, P.O. Jamnipali, District Bilaspur.

Versus

Respondents : 1. National Thermal Power Corporation, through its Chairman-cum-Managing Director, Lodhi Road, New Delhi.

2. National Thermal Power Corporation, through its General Manager at Vikas Bhawan, P.O. Jamnipali, Korba,

3. Chief Personnel Manager,
N.T.P.C. Ltd., K.S.T.P.S., Vikas Bhawan, P.O. Jamnipali, Korba, District Bilaspur.
4. Chief Medical Officer,
N.T.P.C. Ltd., N.T.P.C. Hospital, Vikas Bhawan, P.O. Jamnipali, District Bilaspur.
5. N.T.P.C. Ltd., Farraka, through its General Manager at P.O. Nabarun, District Murshidabad, West Bengal.
6. Shailendra Mukharjee, Pharmacist at N.T.P.C. Hospital, Farakka (West Bengal).

Present: Shri Rajeev Shrivastava, Advocate for the petitioners.
Shri P.S. Koshy, Advocate with Shri Aneesh Pandey, Advocate for the respondents.

ORAL ORDER

(9th January, 2006)

Heard.

1. Learned counsel for the petitioners submits that the petitioners are working as pharmacist with the National Thermal Power Corporation, Korba/respondent No. 1. The petitioner in W.P. No. No. 4539 of 1996 was appointed as pharmacist Grade-IV on 19.2.1979, the petitioner in W.P. No. 4815 of 1996 was appointed by appointment letter dated 26.7.1982 and joined on 5.8.1982 and the petitioner in W.P. No. 1090 of 1998 was appointed by appointment letter dated 4.9.1984 and joined on 5.10.1984. Since all the three petitions involve common question of law, hence, all the three petitions are being disposed of by this common order.

2. The petitioners after having obtained diploma in pharmacist were appointed by National Thermal Power Corporation, Korba, Super Thermal Power Project as pharmacist Grade-IV. The promotional channels of the petitioners are given at Annexure R-4 in W.P. No. 1090/1998. The petitioners have filed a chart of promotional channel dealing with Mechanical Maintenance (Trade Fitting) claiming that the petitioners be appointed at W-7 level. This chart is not relevant for the purpose of pharmacist and as per other chart which deals with promotional avenues of pharmacists. The pharmacists are appointed at Grade-IV level.

3. Learned counsel for the petitioners further submits that the petitioners are entitled to be promoted on higher posts beyond W-8 grade.

4. Shri P.S. Koshy, Advocate with Shri Aneesh Pandey, Advocate for the respondents submits that the petitioners have been granted opportunities, but they could not avail the same either by not appearing in the test or not finding fit in the process. Learned counsel for the petitioners denies the submission made by learned counsel for the respondents. At this stage, learned counsel for the petitioners confines his submission to the extent that the respondents be directed to consider their cases for promotion to higher grade, in accordance with law, to which learned counsel for the respondents have no objection.

5. In view of the foregoing, the N.T.P.C./respondents and its authorities are directed to consider the representation of the

petitioners for further promotion, in accordance with law, if the petitioners are found fit, they may be considered for appointment, subject to the availability of the posts.

6. For the reasons stated above, the writ petitions are disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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